



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Appointment of Hearing Officers called for in §8.24.060 of the City's Comprehensive Municipal Environmental Response and Liability Ordinance

**MEETING DATE:** October 15, 1997

**PREPARED BY:** City Manager

**RECOMMENDATION:** That the City Council appoint as hearing officers Tim Hackman and John Reese and to authorize the City Manager to sign appropriate agreements with those individuals for services as well as with Judge Darrah for training services.

**BACKGROUND:** The City Council has adopted a Comprehensive Municipal Environmental Response and Liability Ordinance. The adoption of this Ordinance is part of the program that the City is undertaking relative to addressing the groundwater contamination situation that exists within the City of Lodi. Within the Ordinance a due process procedure is established in order to address issues which may be raised by individuals or businesses which face abatement orders under the Ordinance. This due process procedure as established by §8.24.060 of the Ordinance contemplates the existence of hearing officers to handle disputed matters.

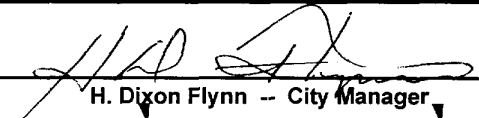
We are recommending to you that two individuals be appointed as hearing officers. The recommendation of two hearing officers is made so that we can promptly address disputed issues and reach resolution of them as quickly as possible. The individuals have agreed to provide the hearing officer services at a rate of \$250.00 per hour. If the recommendation relative to this item is approved, agreements would be entered into which would provide for the timely undertaking of disputes by the hearing officers at the rate of \$250.00 per hour. Additionally, there would be preliminary training provided to the hearing officers on the procedures set out in the Comprehensive Municipal Environmental Response and Liability Ordinance. Those procedures coupled with statutory procedures found in State law would form the basis for the training to be provided to the hearing officers by retired San Joaquin County Superior Court Judge John Darrah. Retired Judge Darrah has agreed to provide the training for an hourly fee of \$200.00. It is anticipated that the training to be provided would not exceed five hours.

**FUNDING:** 18.3-453.03-323 PCE/TCE Monitoring Program

Respectfully submitted,

  
H. Dixon Flynn, City Manager

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager